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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,389	09/02/2004	Frank Bastiaan Brouwer	P15217-US1	1674
27045	7590	10/20/2006	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			PEREZ, ANGELICA	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)	
10/506,389	BROUWER, FRANK BASTIAAN	
Examiner	Art Unit	
Perez M. Angelica	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/2/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/2/04</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo (Kubo et al.; US Patent No.: 6,249,682 B1) in view of Takano (Takano et al.; US Patent No.: 7,103,376 B2).

Regarding claim 11, Kubo teaches of an apparatus for determining a speed indication signal indicating a speed of a wireless mobile telecommunication device relative to the apparatus (column 1, lines 5-10), where the apparatus determines the speed indication signal from a sequence of transmit power control commands sent by the wireless mobile telecommunication device to an access point in a wireless telecommunication network (column 2, lines 16-29; figure 1, items "transmitter station" and "receiver station" and figure 6) for controlling, in use, a transmit power of a radio

signal transmitted by the access point to the wireless mobile telecommunication device (column 2, lines 16-29; figure 1, items "transmitter station" and "receiver station").

Kubo does not specifically teach where the apparatus comprises a memory for storing the sequence of transmit power control commands and a logical filter circuit for determining a radio signal strength minimum in the radio signal at a location of the mobile telecommunication device by detecting if a predetermined number of consecutive transmit power control commands from the sequence of transmit power control commands each comprise either an 'up' or 'down' transmit power control command.

In related art concerning a method and apparatus for controlling transmission power in a cellular mobile communication system, Takano teaches where the apparatus comprises a memory for storing the sequence of transmit power control commands (column 13, lines 7-24 and 45-50) and a logical filter circuit for determining a radio signal strength minimum in the radio signal at a location of the mobile telecommunication device by detecting if a predetermined number of consecutive transmit power control commands from the sequence of transmit power control commands each comprise either an 'up' or 'down' transmit power control command (column 13, lines 16-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kubo's apparatus and method for combining speed in a mobile communication with Takano's sequence storage and detection of power control commands in order to calculate the speed of the mobile unit, as taught by Takano.

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Regarding claim 12, Kubo and Takano teach all the limitations of claim 11.

Where Takano teaches where the logical filter circuit is adapted to identify if at least four consecutive transmit power control commands each comprise an 'up' transmit power control command by logically comparing the value of each of said at least four transmit power control commands (column 13, lines 20-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kubo's apparatus and method for combining speed in a mobile communication with Takano's sequence of at least four TPC in order to obtain speed measurements, as taught by Takano.

Regarding claim 13, Kubo and Takano teach all the limitations of claim 12.

Where Takano teaches where the logical filter circuit is further adapted to identify a start of the at least four consecutive transmit power control commands by comparing if a first of the at least four transmit power control commands is not equal to a preceding transmit power control command in the sequence of transmit power control commands (column 13, lines 13-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kubo's apparatus and method for combining speed in a mobile communication with Takano's comparisons in order to determine where the sequences of equal commands starts and subsequently quantify them, as taught by Takano.

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4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo in view of Takano and further in view of Yamamoto (Yamamoto et al; US Pub. No.: 2002/0,013,156 A1).

Regarding claim 14, Kubo and Takano teach all the limitations of claim 11.

Kubo and Takano do not specifically teach where a speed information control device for providing a speed estimation signal for the wireless mobile telecommunication device; and a Doppler frequency measurement device for determining a Doppler speed signal for the wireless mobile telecommunication device, the apparatus being adapted to provide the speed estimation signal in dependence on the speed indication signal for speeds of the wireless mobile telecommunication device below a predetermined threshold and on the Doppler speed signal for speeds above the predetermined threshold.

In related art concerning a communication system, transmitter, receiver and method Yamamoto teaches where a speed information control device for providing a speed estimation signal for the wireless mobile telecommunication device (paragraphs 26-27); and a Doppler frequency measurement device for determining a Doppler speed signal for the wireless mobile telecommunication device (paragraphs 42-43), the apparatus being adapted to provide the speed estimation signal in dependence on the speed indication signal for speeds of the wireless mobile telecommunication device below a predetermined threshold and on the Doppler speed signal for speeds above the predetermined threshold (paragraphs 54-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kubo and Takano apparatus and method for combining speed in a mobile communication with Yamamoto's Doppler frequency measurement and comparison in order to obtain satisfactory interleave between frames, as taught by Yamamoto.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 1:30 p.m., Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

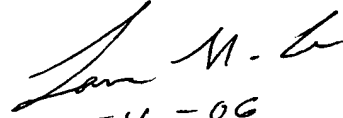


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Angelica Perez  
Examiner

  
10-16-06  
LANA LE  
PRIMARY EXAMINER

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October 12, 2006